

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application Serial No. .... 09/921,944  
Filing Date ..... August 2, 2001  
Inventor ..... Johnway Gao et al.  
Assignee ..... Battelle Memorial Institute  
Group Art Unit ..... 1632  
Examiner ..... Woitach, Joseph T.  
Attorney Docket No. .... BA4-089  
Title: Isolated Yeast Promoter Sequence and a Method of Regulated  
Heterologous Expression

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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1. Certificate of Facsimile Transmission
2. Response to March 23, 2004 Notice of Non-Compliant Amendment

Dated: March 31, 2004

By: Jaime M. White  
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NUMBER OF PAGES IN FACSIMILE: 3

**FEE DEFICIENCY**

Although it is believed that no fees are due, the Commissioner is hereby authorized to charge any fees under 37 C.F.R. 1.16 and 1.17 which may be required by this paper to Deposit Account No. 23-0925.

Dated: March 31, 2004

By: Jennifer J. Taylor  
Jennifer J. Taylor, Ph.D.  
Reg. No. 48,711

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**RESPONSE TO MARCH 23, 2004 NOTICE OF NON-COMPLIANT AMENDMENT**

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In reply to the Notice of Non-Compliance pertaining to the amendment filed January 2, 2004, applicant notes that the notice indicates failure to list all of the claims. However, all of the claims are listed. The notice further indicates failure to include the text of withdrawn claims 1-7. Applicant notes that claims 1-7 are correctly indicated in the Amendment as being cancelled. Since the text of cancelled claims is not to be included, the claim listing in applicants Amendment is in compliance with 37 CFR 1.121.

For the reasons discussed above, the Amendment filed January 2, 2004 is compliant. Accordingly, applicant requests withdrawal of the finding of non-compliance and appropriate entry of the Amendment.

Appl. No. 09/921,944

Respectfully submitted,

Dated: March 31, 2004

By: Jennifer J. Taylor  
Jennifer J. Taylor, Ph.D.  
Reg. No. 48,711